

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SALVATORE J. SOWELL,**

**Plaintiff,**

**v.**

**U.S. DISTRICT COURT EAST AND  
WEST DIVISION, *et al.*,**

**Defendants.**

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**Case No. 2:24-cv-3916**

**Judge Algenon L. Marbley**

**Magistrate Judge Chelsey M. Vascura**

**ORDER**


This matter is before this Court on the Magistrate Judge’s Report and Recommendation (“R&R”) regarding Plaintiff’s motion for leave to proceed *in forma pauperis* (ECF No. 4). (ECF No. 5). Plaintiff, Salvatore J. Sowell, brought this case *pro se* against various parties including the Ohio State University and Franklin County Common Pleas Court, Municipal Court, Prosecutor’s Office, Public Defender’s office, and Sheriffs Administration. (ECF No. 5). On September 19, 2024, the Magistrate Judge entered an order noting that Plaintiff filed this action without paying the filing fee or filing applications to proceed *in forma pauperis*. (ECF No. 2). On November 1, 2024, Plaintiff filed an Amended Complaint and a motion for leave to proceed *in forma pauperis*. (ECF Nos. 3; 4). The Magistrate Judge reviewed the motion and issued the R&R recommending it be denied. (ECF No. 5).

The R&R was based on a finding that Plaintiff filed at least three lawsuits that have been dismissed as frivolous or for failure to state a claim. (ECF No. 5). Under 28 U.S.C. § 1915(g), a prisoner, such as Plaintiff, may not proceed *in forma pauperis* “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state

a claim upon which relief may be granted . . . .” 28 U.S.C. § 1915(g). The Magistrate Judge concluded Plaintiff is a “three striker” as contemplated in § 1915(g) and may not *proceed in forma pauperis*. (ECF No. 5 at 2). There is a statutory exception which applies to prisoners who are “under imminent danger of serious physical injury.” § 1915(g). The Magistrate Judge, however, was “unable to discern any facts from either Plaintiff’s Complaint or his other filings that plausibly allege that he meets the statutory exception set forth in § 1915(g).” (ECF No. 5 at 2-3). Accordingly, it was recommended that Plaintiff’s motion be denied and he be ordered to pay the requisite \$405 filing fee. (*Id.* at 3). He was cautioned that a failure to object to the R&R within the applicable time period would result in a waiver of the right to have the district judge review the R&R *de novo*. (*Id.*).

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 5) as this Court’s findings of facts and law. As such, Plaintiff’s motion for leave to proceed *in forma pauperis* (ECF No. 4) is **DENIED**. Plaintiff is **ORDERED** to pay the \$405 filing fee required to commence this action **WITHIN THIRTY (30) DAYS** of the date of this Order. Failure to timely pay the full \$405 fee within thirty days will result in the dismissal of this action. Further, the Court **CERTIFIES** that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith.

**IT IS SO ORDERED.**

  
ALGENON L. MARBLEY  
UNITED STATES DISTRICT JUDGE

**DATED: June 2, 2025**